



**CITY APPOINTEES**  
 MARY SHARP, VICE CHAIR  
 BERLIN BOYD  
 RUSTY LINKOUS  
 MARGARET PRITCHARD  
 JAMES TOLES

# MEMPHIS AND SHELBY COUNTY LAND USE CONTROL BOARD

EST. 1982 AS MEMPHIS PLANNING COMMISSION - REORGANIZED IN 1978

**JOSH WHITEHEAD, AICP, SECRETARY**

CITY HALL - 126 N. MAIN ST., STE. 400 - MEMPHIS, TENNESSEE 38103 - (901) 575-6619



**COUNTY APPOINTEES**  
 JON MCCREERY, CHAIR  
 CASSANDRA BELL-WARREN  
 ROBERT NORCROSS  
 EMILY TRENHOLM  
 LISA WILBANKS

## MINUTES August 8, 2013

### Meeting Attendance

### LUCB Board Members

OFFICERS/MEMBERS	NAME	PRESENT	ABSENT
Chairman	Jon McCreery	X	
Vice Chairperson	Mary Sharp	X	
Member	Cassandra Bell-Warren	X	
Member	Berlin Boyd	X	
Member	Rusty Linkous	X	
Member	Margaret Pritchard		X
Member	Robert Norcross	X	
Member	James Toles	X	
Member	Emily Trenholm	X	
Member	Lisa Wilbanks	X	
Alt. Member	Frank Colvett, Jr.	X	

### Call to Order and Roll Call

Chairman McCreery called the meeting to order at 10:00 a.m. Josh Whitehead called the roll. There was a quorum.

**LUCB Staff:** Josh Whitehead, Brian Bacchus, Don Jones, Gregory Love, Terry Langlois, Chip Saliba, and Calvin Abram.

**Others Present:** Eugene Amagliani, Steve Auterman, Leroy Clapp, Judge Donna M. Fields, Steve Lykins, Delinor D. Smith, Charles Oates, Sean Haynes, Cecil Humphreys, Tim McCaskill, Tony Poteet, Cindy Reaves, Loy Taylor, Wilma Taylor, and Jose Velazquez.

### Chairman's Opening Remarks

Chairman McCreery read the General Order of the Public Hearing proceedings and the Conflict of Interest Statement. He also acknowledged and welcomed new Board Member Cassandra Bell-Warren to the LUCB.

### Secretary's Report

There was none.

### Approval of Minutes: July 11, 2013

Board Member Sharp made a motion to approve LUCB minutes from July 11, 2013. The motion was seconded by Board Member Norcross. The motion passed unanimously.

### **General Order of Public Hearing**

Chairman McCreery explained the procedure for hearing the applications; staff presentation for the application; applicant comments; comments from the public; time limits; rebuttal; and the LUCB's discussion and action. The Consent Agenda Items 1 and 5 was read. Chairman McCreery also explained the procedure for hearing the Consent Agenda Items. He then introduced Board Member Lisa Wilbanks to be the Subdivision Chair and to read the Consent Agenda Items.

### **Consent Agenda (Items 1-5)**

- |                          |   |
|--------------------------|---|
| <b>1. CASE NUMBER:</b>   | <b><u>S 13-006</u></b>  |
| <b>DEVELOPMENT NAME:</b> | <b><u>TATE GROVE SUBDIVISION</u></b>  |
| Request:                 | Two lots to construct single-family homes   |
| Staff's Recommendation:  | Approval with conditions  |
| <br>                     |   |
| <b>2. CASE NUMBER:</b>   | <b><u>S.A.C. 13-605</u></b>   |
| <b>LOCATION:</b>         | <b><u>Coughlin Drive (between Brooks and Stonebrook)</u></b>  |
| Request:                 | Close Coughlin Drive public right-of-way  |
| Staff's Recommendation:  | HELD  |
| <br>                     |   |
| <b>3. CASE NUMBER:</b>   | <b><u>S.D. 13-701</u></b>   |
| <b>LOCATION:</b>         | <b><u>Sandbrook and Stonebrook Avenue near Coughlin Dr.</u></b>   |
| Request:                 | Dedicate portions of Stonebrook and Sandbrook right-of-way  |
| Staff's Recommendation:  | HELD  |
| <br>                     |   |
| <b>4. CASE NUMBER:</b>   | <b><u>Z 88-103 &amp; Z 09-101</u></b>   |
| <b>DEVELOPMENT NAME:</b> | <b><u>RAINES-GRACELAND C-P: Lot 2</u></b>   |
| Request:                 | Modification to reduce required side yard setback of thirty-nine (39) feet to ten (10) feet to increase the maximum building coverage from 16,000 sq. ft. to 18,750 sq. ft. of floor area   |
| Staff's Recommendation:  | Rejection   |
| <br>                     |   |
| <b>5. CASE NUMBER:</b>   | <b><u>P.D. 00-384</u></b>   |
| <b>DEVELOPMENT NAME:</b> | <b><u>HUMPHREYS BOULEVARD PLANNED DEVELOPMENT</u></b>   |
| Request:                 | Adjustment of bulk, height, and setback regulations; removal of 600,000 square foot building floor area cap; remove the requirement for site plan review by the Land Use Control Board in favor of administrative review only by the Office of Planning and Development |
| Staff's Recommendation:  | Approval  |

Chairman McCreery asked if there were any items needed to be removed/pulled for discussion. Opposition requested to pull Agenda Item #1 for discussion. Chairman McCreery then asked the board members for a motion to approve Consent Agenda Items 4 and 5. Board Member

Wilbanks made a motion to approve Consent Agenda Items 4 and 5 in agreement with staff's recommendation. The motion was seconded by Board Member Sharp. The motion passed unanimously.

Chairman McCreery asked Board Member Wilbanks to read the Consent Agenda Item that was requested to be pulled for discussion. She then read the case.

**Item 1: CASE #: S 13-006**

**TATE GROVE SUBDIVISION**

Request: Two lots to construct single-family homes.  
Location: Northeast corner of Mendenhall Road and Minden Road  
Applicant: Boulders Management LLC AND Biffco GP  
Representative for applicant: Mike Davis-Reaves Firm, 5880 Ridge Bend Rd., Memphis, TN 38120

Chairman McCreery recognized the following people who spoke from the audience in favor to the case.

Sean Haynes, 278 S. Mendenhall, Memphis, TN 38117  
Charles Oates, 4986 Minden Rd., Memphis TN 38117

Chairman McCreery recognized the following people who spoke from the audience in opposition to the case.

Eugene Amagliani, 4961 Minden Rd., Memphis TN 38117  
Leroy Clapp, 4980 Minden Rd., Memphis, TN 38117

MOTION: Approval  
MADE BY: Wilbanks  
SECOND: Boyd  
AYES: Bell-Warren, Boyd, Colvett, Linkous, Sharp, Toles, Wilbanks, and  
Chairman McCreery  
NAYS: Norcross and Trenholm

**Item 1 - APPROVED**

**REGULAR AGENDA ITEMS:**

Board Member Wilbanks continued with the Agenda as Zoning Chair and announced then called the first case.

**Item 6: CASE #: P.D. 13-318**

**FUNERAL HOME, IMPERIAL LOVE 1, PLANNED DEVELOPMENT**

Request: Funeral services within a residential urban zoning district  
Location: Northeast corner of Knight Arnold and Ridgeway Road.  
Applicant: John Love  
Representative for applicant: Delinor D. Smith, 3831 Lakehurst Dr., Memphis, TN 38128

MOTION: Approval with conditions.  
MADE BY: Wilbanks

SECOND: Boyd  
AYES: Bell-Warren, Boyd, Colvett, Linkous, Norcross, Sharp, Toles, Trenholm,  
Wilbanks, and Chairman McCreery

**APPROVED**

**Item 7: CASE #: P.D. 13-319      FUNERAL HOME, IMPERIAL LOVE 2, PLANNED DEVELOPMENT**

Request: Funeral services and parking within a residential zoning district

Location: 1129 Hollywood Street.

Applicant: John Love

Representative for applicant: Delinor D. Smith, 3831 Lakehurst Dr., Memphis, TN 38128

MOTION: Approval with conditions.

MADE BY: Wilbanks

SECOND: Sharp

AYES: Bell-Warren, Boyd, Colvett, Linkous, Norcross, Sharp, Toles, Trenholm,  
Wilbanks, and Chairman McCreery

**APPROVED**

**Item 8: CASE #: P.D. 13-320      HIGHLAND STREET/SOUTHERN AVENUE PLANNED DEVELOPMENT**

Request: Planned development to allow a restaurant with drive-thru lane in the University District Overlay (UDO) with a shop front designation

Location: Southeast corner of Highland Street and Southern Avenue

Applicant: McDonald's Corporation

Representative for applicant: Cindy Reaves, SR Consulting, LLC, 5909 Shelby Oaks, Ste. 200, Memphis, TN 38134

Chairman McCreery recognized the following people who spoke from the audience in favor to the case.

Steve Lykins, 5645 Murray Rd., Memphis, TN 38117 (Applicant/Owner)

Loy Taylor, 4631 Barkley Estates Dr., Collierville, TN 38017

Chairman McCreery recognized the following people who spoke from the audience in opposition to the case.

Tony Poteet, 4783 Bolen House Rd., Memphis, TN 38128

Cecil Humphreys, 144 Cherokee Drive, Memphis, TN 38111

Steve Auterman, 1897 Snowden Ave., Memphis, TN 38107

Wilma Taylor, 611 Loeb Street, Memphis, TN 38111

Judge Donna M. Fields, 490 S. Holmes St., Memphis, TN 38111

Original MOTION: Approval with conditions

MADE BY: Wilbanks  
SECOND: Boyd  
AYES: Bell-Warren, Boyd, Colvett, Sharp, Toles, Wilbanks, and Chairman  
McCreery  
NAYS: Linkous, Norcross and Trenholm

Amendment: Condition (V. E.) – the language use of “shall” be replaced with “may”.  
MADE BY: Colvett  
SECOND: Boyd  
AYES: Bell-Warren, Boyd, Colvett, Linkous, Sharp, Toles, Tremholm, Wilbanks,  
and Chairman McCreery  
NAY: Norcross  
**APPROVED as Amended**

**Item 9: CASE #: S.U.P. 13-213**

Request: Daycare Center with up to 60 children  
Location: 1135 Winchester Road  
Applicant: William Realty & Investment

**\*An agreed upon HOLD for 30 Days.**

**Item 10: CASE #: S.U.P. 13-214**

Request: Conversion to a Bed and Breakfast  
Location: 690 Adams Avenue.  
Applicant: James Lee House, LLC  
Representative for applicant: Jose Velazquez, 661 Jefferson Ave., Memphis, TN 38105

MOTION: Approval with conditions.  
MADE BY: Wilbanks  
SECOND: Sharp  
AYES: Bell-Warren, Boyd, Colvett, Linkous, Norcross, Sharp, Toles, Tremholm,  
Wilbanks, and Chairman McCreery

**APPROVED**

**Item 11: CASE #: S.U.P. 13-216**

Request: Special permit to allow three (3) radio transmission towers  
a maximum of two-hundred fifty (250) feet in height  
Location: North of Omar Robinson Road; +/-225 feet north of  
Holmes Street terminus.  
Applicant: Flinn Broadcasting, Inc. (Hugh P. Heffernan-Owner)  
Representative for applicant: Cindy Reaves, SR Consulting, LLC, 5909 Shelby Oaks,  
Ste. 200, Memphis, TN 38134

**\*Ms. Reaves agreed with staff's recommendation but added a Friendly Amendment with the**

language that states, "Special permit to allow three (3) radio transmission towers or Communications Tower including CMC-S." Staff agreed.

MOTION: Approval with conditions as amended.  
MADE BY: Wilbanks  
SECOND: Sharp  
AYES: Bell-Warren, Boyd, Colvett, Linkous, Norcross, Sharp, Toles, Tremholm,  
Wilbanks, and Chairman McCreery

**APPROVED w/Friendly Amendment**

**Item 12: CASE #: S.U.P. 13-218**


**KNIGHT ARNOLD AND RIDGEWAY PD**

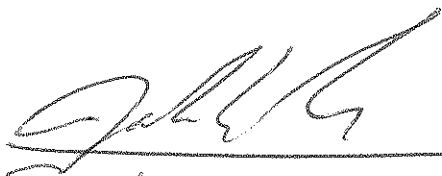
Request: Conversion into a Social Service Institution  
Location: East side of Old Getwell Road; +/-875.29 feet north of  
Winchester Road.  
Applicant: CCA Properties of TN  
Representative for applicant: Tim McCaskill, 7891 Stage Hills Blvd., Ste. 112, Memphis,  
TN 38133

\*Mr. McCaskill agreed with staff's recommendation but mentioned an agreed upon Friendly Amendment to (Condition I.) with the language that states, "an alternative buffer maybe approved by the Planning Director." Staff agreed.

MOTION: Approval with conditions as amended.  
MADE BY: Wilbanks  
SECOND: Boyd  
AYES: Boyd, Colvett, Norcross, ~~Pritchard~~, Sharp, Toles, Tremholm, Wilbanks,  
and Chairman McCreery

**APPROVED w/Friendly Amendment**

  
\_\_\_\_\_  
Chairman

  
\_\_\_\_\_  
Secretary

9-12-13  
\_\_\_\_\_  
Date

